

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

NETWORK SYSTEM TECHNOLOGIES, LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:22-cv-1331
)	
QUALCOMM INCORPORATED;)	
QUALCOMM TECHNOLOGIES, INC.;)	
ARTERIS, INC.,)	
)	
Defendants.)	
)	

**DEFENDANTS QUALCOMM INCORPORATED AND QUALCOMM
TECHNOLOGIES, INC.'S MOTION FOR SUR-REPLY TO NST'S SECOND MOTION
TO COMPEL**

Defendants Qualcomm Incorporated and Qualcomm Technologies, Inc. (collectively, “Qualcomm”) moves for leave to file a five page sur-reply in response to Plaintiff Network System Technologies, LLC’s (“NST”) reply in support of its motion to compel. Qualcomm requests this sur-reply be due one week after NST’s reply is filed.

Qualcomm’s response to NST’s motion to compel include three declarations of less than two pages each to support factual assertions in Qualcomm’s response brief. In response to Qualcomm’s filing, NST demanded to take depositions of all three deponents, and also demanded an extension of time and five additional pages of briefing to address whatever it learns in the depositions. Ex. 1. While Qualcomm believes these depositions are a waste of time given the limited and uncontroversial factual statements in the declarations, Qualcomm agreed to the depositions on short notice and agreed not to oppose NST’s motion for more time and more pages under the express condition that “**NST agrees that Qualcomm shall be allowed to file a five page sur-reply** one week after NST files its reply.” *Id.* (emphasis added). NST agreed to this condition. *Id.*

Yesterday, NST filed its motion to extend the time and page length of its reply brief. Dkt. 164. NST’s motion stated that the motion was unopposed by Qualcomm, but did not inform the Court of the condition upon which Qualcomm agreed not to oppose. *Id.*

Qualcomm contends that good cause supports Qualcomm’s motion for a five-page sur-reply in response to NST’s reply brief. First, it was an express condition of Qualcomm’s agreement not to oppose NST’s motion, which the Court has now granted. Second, NST has stated that the reason for the additional pages is to allow it to reference deposition testimony of Qualcomm’s employees that did not exist at the time Qualcomm submitted its response brief. Allowing Qualcomm to file a five-page sur-reply will prevent a significant imbalance in the

briefing on NST's motion to compel, and will give Qualcomm an opportunity to respond to NST's characterizations of the new deposition testimony.

NST has stated it does not oppose the relief sought by this motion.

Respectfully submitted,

Dated: August 21, 2024

s/ J. Derek Vandenburg

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Counsel for Defendants

Qualcomm Incorporated and

Qualcomm Technologies, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 21, 2024, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system. Any other counsel of record will be served by electronic mail on this same date.

s/ J. Derek Vandenburg
J. Derek Vandenburg